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INFO RUCNASE/ASEAN MEMBER COLLECTIVE  
RUEHGG/UN SECURITY COUNCIL COLLECTIVE  
RUEHBY/AMEMBASSY CANBERRA 2178  
RUEHNE/AMEMBASSY NEW DELHI 5648  
RUEHUL/AMEMBASSY SEOUL 9248  
RUEHKO/AMEMBASSY TOKYO 6827  
RUEAIIA/CIA WASHDC  
RHHMUNA/CDR USPACOM HONOLULU HI  
RUEHGV/USMISSION GENEVA 4629  
RHEHNSC/NSC WASHDC  
RUCNDT/USMISSION USUN NEW YORK 2624  
RUEKJCS/SECDEF WASHDC  
RUEHBS/USEU BRUSSELS  
RUEKJCS/JOINT STAFF WASHDC

C O N F I D E N T I A L SECTION 01 OF 02 RANGOON 000466

SIPDIS

STATE FOR EAP, IO, AND CA/OCS/ACS/EAP; PACOM FOR FPA

E.O. 12958: DECL: 07/23/2019

TAGS: [CASC](#) [PGOV](#) [PHUM](#) [PREL](#) [BM](#)

SUBJECT: BURMA: CLOSING ARGUMENTS IN ASSK TRIAL BEGIN; SOME  
DIPLOMATS PRESENT

REF: A. RANGOON 461

[B](#). RANGOON 453

[C](#). RANGOON 456

Classified By: Political Officer Sean K. O'Neill for Reasons 1.4 (b) &  
(d)

Summary

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[1](#). (SBU) Aung San Suu Kyi's legal team began presenting closing arguments in the Aung San Suu Kyi(ASSK)/John Yettaw trial at Insein Prison the afternoon of July 24. Consul and one Embassy local staff member attended as usual. Authorities also granted permission for diplomats from five European embassies to observe. ASSK attorney U Kyi Win (aka Neville) began his presentation, focusing on the validity of ASSK's house detention order and arguing that since Yettaw trespassed, she committed no crime. We confirmed that authorities permitted John Yettaw, Aung San Suu Kyi, and her two assistants to meet with their lawyers the previous day. Closing arguments will continue on July 27. End Summary.

Closing Arguments Begin in ASSK Trial

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[2](#). (SBU) Closing arguments in the Aung San Suu Kyi/John Yettaw trial began at Insein prison the afternoon of July 24.

As with all previous trial sessions, Consul and one Embassy local staff member attended. Authorities also permitted diplomats from the UK, France, Italy, Germany, and Norway to attend the July 24 session.

[3](#). (SBU) Neville began presenting final arguments on behalf of Aung San Suu Kyi. He spoke for two and a half hours, arguing that the 1974 constitution is no longer in force, rendering the detention order against ASSK invalid. Neville argued that even if the constitution and detention order were valid, ASSK's actions did not violate the terms of her house arrest (Note: Those closing arguments, supported by a 23-page written statement to the court, are consistent with the legal position ASSK's team has maintained throughout the trial. End note.) At the conclusion of the session, ASSK thanked diplomats for their attendance and support and said she would see them again Monday. Court sessions are

scheduled to resume on July 27.

¶4. (C) Neville told us the defense will continue with closing statements on Monday and he expects Aung San Suu Kyi herself will address the court. Prosecutors will present their closing arguments after the defense has concluded. Neville said the court normally deliberates for approximately one week before rendering a verdict. (Comment: Some have speculated the regime could delay the verdict, perhaps even until after the UNGA this fall. End comment.)

#### ASSK Meets with Attorneys July 23

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¶4. (C) Lawyer (and National League for Democracy spokesman) Nyan Win confirmed that on July 23, authorities permitted ASSK and her two assistants to meet with their lawyers for two and a half hours to discuss closing arguments. Authorities initially denied the lawyers' request to meet ASSK, but apparently reversed their decision after U Kyi Win submitted a letter July 22 asking them to reconsider (ref A). ASSK had last met with her lawyers on July 17 and 20 (refs B and C).

#### Yettaw Tells Attorney No Desire to Appeal

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¶5. (C) Meanwhile, American citizen John Yettaw's attorney, U Khin Maung Oo, met with his client at Insein prison for an hour and a half on July 23. U Khin Maung Oo said he

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explained the appeals process to Yettaw, who expressed no interest in pursuing an appeal. This is consistent with Yettaw's comments to Consul that whatever the court decides would be "perfect" with him. Yettaw's attorney stressed to his client that appeals are standard procedure and trial court decisions theoretically can be overturned at the appellate level.

DINGER